



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,183	11/29/2001	Todd Kueny	011450	1028

23464 7590 09/02/2005

BUCHANAN INGERSOLL, P.C.
ONE OXFORD CENTRE, 301 GRANT STREET
20TH FLOOR
PITTSBURGH, PA 15219

EXAMINER

CAMPBELL, JOSHUA D

ART UNIT	PAPER NUMBER
----------	--------------

2178

DATE MAILED: 09/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/683,183

Applicant(s)

KUENY, TODD

Examiner

Joshua D. Campbell

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-19 is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to communications: Request for Continued Examination and Declaration filed July 5, 2005.
2. Claims 1-19 are pending in this case. Claims 1 and 6 are independent claims.

Affidavit Under 37 CFR 1.132

3. The declaration under 37 CFR 1.132 filed July 5, 2005 is sufficient to overcome the rejection of claims 1-19 based upon Aizikowitz et al. (hereinafter Aizikowitz, US Patent Application Publication Number 2002/0049702, US filing date of February 3, 2000) in view of Think121.com (hereinafter think121, www.think121.com, published in October of 2000).

Thus, the rejection of claims 1-19 under 35 U.S.C. 103(a) as being unpatentable over Aizikowitz et al. (hereinafter Aizikowitz, US Patent Application Publication Number 2002/0049702, US filing date of February 3, 2000) in view of Think121.com (hereinafter think121, www.think121.com, published in October of 2000) has been withdrawn.

Allowable Subject Matter

4. Claims 6-19 are allowed over the prior art.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aizikowitz et al. (hereinafter Aizikowitz, US Patent Application Publication Number 2002/0049702, US filing date of February 3, 2000) in view of Ferrel et al. (hereinafter Ferrel, US Patent Number 6,230,173, filed July 17, 1995).

Regarding independent claim 1, Aizikowitz discloses a method in which a description of a composite page is parsed and stored (Pages 1-2, paragraphs 0011-0037 of Aizikowitz). Then, opening one or more input files base that identify unique resources based on the description and that file (Pages 1-2, paragraphs 0011-0037 of Aizikowitz). Aizikowitz also discloses that the resources are then copied to an output file, each unique resource is copied to said output file only once (Pages 1-2, paragraphs 0011-0037 of Aizikowitz). Aizikowitz does not disclose a method in which a composite graphic page is created from the resources which is then copied to the output file. However, Ferrel discloses a method in which a composite graphic page is created from resources, referenced by the output file, the composite page is then stored in an output file (column 24, line 34-column 25, line 22 of Ferrell). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the methods of Aizikowitz and Ferrel because it would have provided a more efficient way of transferring content to the local data store.

Regarding dependent claims 2 and 3, Aizikowitz discloses a method in which the description is in a compositing language, ASCII text (Page 3, paragraphs 0051-0055 of Aizikowitz).

Regarding dependent claims 4 and 5, Aizikowitz discloses a method in which unused resources are copied to the output file (Pages 1-2, paragraphs 0011-0037 of Aizikowitz). Aizikowitz also discloses that the description of the file is also copied to the output file (Pages 1-2, paragraphs 0011-0037 of Aizikowitz).

Response to Arguments

7. Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

8. Applicant's arguments, filed 7/5/2005, with respect to the rejection(s) of claim(s) 6-19 under 35 U.S.C. 103(a) have been fully considered and are persuasive.

Therefore, the rejection has been withdrawn as stated above.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent Number 6,199,082

US Patent Number 5,860,073

US Patent Number 6,547,831

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D. Campbell whose telephone number is (571) 272-4133. The examiner can normally be reached on M-F (7:30 AM - 4:00 PM).

Art Unit: 2178

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JDC
August 31, 2005

William F. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER
8/31/2005